

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT W. JACKSON, III.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-300-SLR
)	
)	
STANLEY W. TAYLOR, JR.,)	
THOMAS L. CARROLL, BUREAU)	
CHIEF PAUL HOWARD, OTHER)	
UNKNOWN STATE ACTORS)	
RESPONSIBLE FOR AND)	
PARTICIPATING IN THE CARRYING)	
OUT OF PLAINTIFF'S EXECUTION,)	
)	
Defendants.)	

O R D E R

At Wilmington this ____ day of _____ 2006, the parties having satisfied their obligations under Fed. R. Civ.P.26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26 (a) (1) and D. Del. LR 16.2.

2. **Discovery**

(a) Discovery will be needed on the following subjects: lethal injection procedures and practices.

(b) All discovery shall be commenced in time to be completed by June 30, 2007.

(c) Maximum of 50 interrogatories by each party to any other party.

(d) Maximum of 50 requests for admission by each party to any other party.

(e) Maximum of 15 depositions by plaintiff and 15 by defendant.

(f) Each deposition is limited to a maximum of 6 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26 (a) (2) on issues for which any party has the burden of proof due by March 31, 2007. Rebuttal expert reports due by April 15, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to two (2) Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a

deposition and disputes related to entry of a protective order.

3. **Joinder of other parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before December 1, 2006.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before August 30, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of paper or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motion in limine shall be filed on or before _____ [two weeks before pretrial conference]. All responses to said motions shall be filed

on or before _____ [one week before pretrial conference].

8. **Pretrial Conference.** A pretrial conference will be held on _____ at _____ m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a _____ [day/week] bench trial commencing on _____ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Sue L. Robinson
United States District Judge

CERTIFICATION OF SERVICE

The undersigned certifies that on October 3, 2006, he electronically filed the attached *Proposed Scheduling Order* with the Clerk of Court using CM/ECF which will send notification of such filing to the following registered participant:

Michael Wiseman, Esq.
Assistant Federal Defender
Suite 545 West—The Curtis Center
Philadelphia, PA 19106
Attorney for Robert Jackson

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/
Gregory E. Smith, ID # 3869
Deputy Attorney General
820 North French Street, 6th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398